

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

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JOSE MOREIRA, et al.,

Plaintiffs,

v.

CARLOS PEIXOTO., et al.,

Defendants.

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Civil Action No. 09-3297 (JAG)

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CARLOS PEIXOTO., et al.,

Third Party Plaintiffs,

v.

VIRGINIA SURETY COMPANY, et al.

Third Party Defendants.

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**ORDER  
CLOSED**

**GREENAWAY, JR., U.S.D.J.**

On October 26, 2009, Magistrate Judge Madeline Cox Arleo filed a Report and Recommendation (“R&R”) (Docket Entry No. 29), pursuant to FED. R. CIV. P. 72(b) and L. CIV. R. 72.1(a)(2), wherein she recommended that (1) the motion for remand (Docket Entry No. 12), filed by plaintiffs, Jose Moreira and Rosa Gomes (collectively, “Plaintiffs”), be granted; (2) the motion for remand (Docket Entry No. 13), filed by defendants/third party plaintiffs, Carlos Peixoto and Christine Peixoto (“the Peixotos”) be granted; (3) the Peixotos’ request for attorney’s fees (Docket Entry No. 13) be denied; and (4) Macedos Construction Company, Inc. of New Jersey v. Virginia Surety Company, Inc., Docket No. 09-3491, be consolidated with this

case and be similarly remanded. The time for filing objections to the R&R has expired, and no objections were submitted.

A magistrate judge's recommended disposition of a dispositive matter is subject to de novo review. In re U.S. Healthcare, 159 F.3d 142, 145-46 (3d Cir. 1998); Temptations, Inc. v. Wager, 26 F. Supp. 2d 740, 743 (D.N.J. 1998); see also FED. R. CIV. P. 72(b). This Court has reviewed the parties' submissions and the R&R under the appropriate de novo standard, and agrees with Magistrate Judge Arleo's analysis and conclusion. Therefore,

IT IS, on this 25<sup>th</sup> day of November, 2009,

ORDERED that Magistrate Judge Arleo's R&R (Docket Entry No. 29) is adopted as the opinion of the Court; and it is further

ORDERED that Plaintiffs' motion to remand (Docket Entry No. 12) is GRANTED; and it is further

ORDERED that the Peixotos' motion to remand (Docket Entry No. 13) is GRANTED; and it is further

ORDERED that the Peixotos' request for attorney's fees (Docket Entry No. 13) is DENIED; and it is further

ORDERED that Docket No. 09-3491 be consolidated with this case and remanded to the Superior Court of New Jersey;

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.  
JOSEPH A. GREENAWAY, JR., U.S.D.J.